


JUDGE DAVID GUADERRAMA

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

FILED
2021 MAY 18 PM 2:40
CLERK US DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY 

UNITED STATES OF AMERICA,

PETITIONER,

v.

**\$12,107.00, MORE OR LESS, IN
UNITED STATES CURRENCY,**

RESPONDENT.

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CIVIL ACTION NO.

EP21CV0111

VERIFIED COMPLAINT FOR FORFEITURE

Comes now Petitioner United States of America, by and through the United States Attorney for the Western District of Texas and the undersigned Assistant United States Attorney, pursuant to Rule G, Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, Federal Rules of Civil Procedure, and respectfully states as follows:

I.

NATURE OF THIS ACTION

This action is brought by the United States of America seeking forfeiture to the United States of the property described below:

- **\$12,107.00, more or less, in United States currency,**

hereinafter referred to as the "Respondent Property."

II.

JURISDICTION AND VENUE

The Court has original jurisdiction of all civil actions, suits or proceedings commenced by the United States under Title 28 U.S.C. § 1345 and over an action for forfeiture under Title 28 U.S.C. § 1355(a). This Court has *in rem* jurisdiction over the Respondent Real Property under Title 28 U.S.C. §§ 1355(b) and 1395(a). Venue is proper in this district pursuant to Title 28

U.S.C. § 1355(b)(1) because the acts or omissions giving rise to the forfeiture occurred in this district.

III.
STATUTORY BASIS FOR FORFEITURE

This is a civil forfeiture action *in rem* brought against the Respondent Property for the violations of Title 21 U.S.C. §§ 846 and 841(a)(1), and is subject to forfeiture pursuant to Title 21 U.S.C. § 881(a)(6).

Title 21 U.S.C. § 881. Forfeitures

(a) The following shall be subject to forfeiture to the United States and no property right shall exist in them:

* * *

(6) All moneys, negotiable instruments, securities, or other things of value furnished or intended to be furnished by any person in exchange for a controlled substance or listed chemical in violation of this subchapter, all proceeds traceable to such an exchange, and all moneys, negotiable instruments, and securities used or intended to be used to facilitate any violation of this subchapter.

IV.
FACTS IN SUPPORT OF VIOLATIONS

See Appendix "A" for facts.

V.
PRAYER

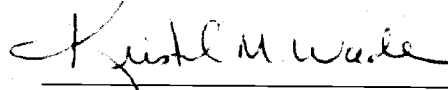
WHEREFORE, Petitioner, United States of America, prays that due process issue to enforce the forfeiture of the Respondent Property, that due notice, pursuant to Rule G(4), be given to all interested parties to appear and show cause why forfeiture should not be decreed,¹ that a warrant for an arrest in rem be ordered, that the Respondent Property be forfeited to the United States of America, that the Respondent Property be disposed of in accordance with the law, and for any such further relief as this Honorable Court deems just and proper.

¹Appendix B, Notice of Complaint of Forfeiture, which is being filed along with this complaint, will be sent to those known to the United States to have an interest in the Respondent Property.

Respectfully submitted,

ASHLEY C. HOFF
United States Attorney

By:



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CIVIL ACTION NO.

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**APPENDIX A, FACTS IN SUPPORT OF
VERIFIED COMPLAINT FOR FORFEITURE**

ATTACHMENT A:

AFFIDAVIT IN SUPPORT OF APPLICATION

I, Juan Solis, your affiant, having been duly sworn, do hereby depose and state:

1. I am a United States Postal Inspector, with the United States Postal Inspection Service (USPIS) and have been so employed for fourteen years. I am currently assigned to the El Paso, Texas Domicile of the Houston Division, and have been so since May of 2010. I have served in that capacity in Laredo, McAllen, and El Paso, Texas where I investigated or assisted in investigations involving the use of the United States Postal Service (USPS) to illegally mail and receive controlled substances and drug proceeds/payments, in violation of Title 21, United States Code, Sections 841(a)(1), 843(b), and 846. My experience as a postal inspector includes, but is not limited to, the investigation and arrest of individuals involved in drug trafficking, the writing of affidavits and execution search warrants for packages suspected of containing illegal drugs and/or drug proceeds, and the seizure of illegal drugs and/or drug proceeds.

2. Investigations by postal inspectors and other federal, state and local law enforcement officials have shown that El Paso, Texas and the surrounding areas are a significant crossing point for controlled substances into the United States. The USPS is one of the means drug traffickers use for transporting both controlled substances and the currency used to pay for those substances. From my training and experience, I know that Priority Mail Express and Priority Mail services are frequently used by drug traffickers to ship controlled substances or illegal drug proceeds/payments. Drug traffickers use these services because of their speed (Priority Mail Express-overnight, Priority Mail two-day delivery), reliability, telephone and internet tracking service, and the perceived chance of minimal detection. In many prior USPIS investigations, I have observed that parcels containing illegal drugs or drug proceeds/payments were mailed from the southwestern area of Texas or the southern part of New Mexico for delivery to other cities in the United States.

3. Based upon my training and experience, I also know that illegal transactions involving controlled substances are typically conducted with U.S. currency. Drug traffickers frequently use U.S. currency to pay for illegal drugs, because of its readily identifiable value and because of the difficulty in tracing currency transactions. As a result, large quantities of U.S. currency are a "tool of the trade" of illegal drug trafficking, and the presence of a large quantity of U.S. currency in a package mailed through the USPS is an indicator of drug trafficking activity.

4. Based on the information set forth herein, this affidavit is made in support of a Verified Complaint for Forfeiture of certain property, as referenced in attachment B, which is subject to civil forfeiture pursuant to Title 21 U.S.C. § 881(a)(6), for the violations of Title 21 U.S.C. §§ 846 and 841(a)(1), namely **\$12,107.00, more or less, in United States currency** (hereinafter referred to as the "Subject Currency").

BACKGROUND OF THE INVESTIGATION

5. In December of 2020, your affiant received information from a Detective with the El Paso County Sheriff's Office (EPCSO), regarding Josiah Ruiz (Ruiz) possibly being involved with narcotic trafficking via the USPS. In the Detective's previous investigative efforts, a residential search warrant was executed at Ruiz's residence where illegal drugs were recovered. According to EPCSO records, Ruiz has been identified as a seller of narcotics via Snapchat using the name "josiahakadaddy." Additionally, Ruiz was observed on two different occasions conducting narcotic related transactions at his residence. Continual efforts by EPCSO led to the identification of communication via cell phone between Ruiz and Danny Rucker (Rucker) who lives in Garden Grove, California.

6. Your Affiant researched USPS records and noted four parcels delivered between Ruiz and Rucker.

7. On January 26, 2021, a USPIS Inspector identified Priority Mail Express parcel EJ439064802US, while conducting routine inspection at the El Paso Processing and Distribution Center (EPPDC). The parcel was addressed to Danny Rucker, 12412 El Rey Place, Garden Grove, California 92840, and with a return address of Josiah Ruiz, 221 Isabel Way, Socorro, Texas 79927.

8. On January 27, 2021, a narcotic trained canine handler/officer and canine, reviewed the parcel. According to the officer/canine handler, the canine indicated a positive alert to the presence of narcotics or a controlled substance odor emitting from the parcel.

9. On January 28, 2021, the Honorable Judge Robert F. Castaneda issued a Federal Search and Seizure warrant in case number EP-21-M-201-RFC for the parcel. Upon executing the warrant, your affiant discovered the Subject Currency, which was wrapped in a manner consistent with previously identified drug trafficking proceeds. The Subject Currency was wrapped in

aluminum foil, bundled with rubber bands, and secreted within a residential lock set box. The lock set box was surrounded by packaging peanuts and two bags of potato chips. The Subject Currency was counted twice, documented, and admitted into evidence per USPIS policy. Inspectors know from training and experience that individuals who traffic in controlled substances rarely include any type of instruction with the proceeds and try to avoid bank reporting requirements. Legitimate businesses or personal gifts contain notes, letters, receipts, cards, or coupons included with the cash or monetary instruments. No personal correspondence or receipts were found within the parcel or its packaging.

FOLLOW-UP INVESTIGATION INFORMATION

10. On February 4, 2021, an additional USPS Priority Mail parcel was identified, parcel 9405511202537870040122. After a narcotic detection canine positively alerted to the presence of a controlled substance emitting from the parcel, a warrant was executed on the parcel and approximately 202 grams of THC products were discovered. The Priority Mail parcel was addressed to Noah Hernandez, 221 Isabel Way, Socorro, TX 79927 from Jessica Gutierrez, 444 S. Madrona Avenue, Brea, CA 92821. In the EPCSO Detective's previous investigative efforts, communications were recovered where Ruiz directed the fictitious recipient name of Noah Hernandez be listed on parcels containing controlled substances. On February 8, 2021, a controlled delivery of parcel 9405511202537870040122 led to Ruiz's subsequent arrest after he took possession of the Priority Mail parcel containing approximately 202 grams of THC products.

11. On February 4, 2021, an additional USPS Priority Mail Express parcel was identified, parcel 9470111202537499738789. After a narcotic detection canine positively alerted to the presence of a controlled substance emitting from the parcel, a warrant was executed on the parcel and approximately 240 grams of marijuana and THC products were discovered. The

Priority Mail Express parcel was addressed to Danny Rodriguez, 221 Isabel Way, Socorro, TX 79927 from Elizabeth Gonzalez, 2701 E. La Palma Avenue, Anaheim, CA 92806. Subsequent efforts to conduct a controlled delivery of the Priority Mail Express parcel were unsuccessful.

12. A criminal history inquiry was conducted on Ruiz. Below is Ruiz's criminal record, which also reflects juvenile incidents marked as (**):

02/23/2018- possession of marijuana **

02/19/2019- possession of a controlled substance **

10/20/2020- possession of a controlled substance

11/18/2020- possession of a controlled substance

12/12/2020- unlicensed carrying of a weapon in prohibited places

01/05/2021- possession of a controlled substance

02/08/2021- possession of a controlled substance; possession of marijuana, MAN/DEL of controlled substance

03/11/2021- MAN/DEL of controlled substance

CONCLUSION

13. Based on the foregoing facts, it is reasonable to believe that the Respondent Property constitutes property which was derived from proceeds traceable to the violations of Title 21 U.S.C. §§ 846 and 841(a)(1), and subject to forfeiture to the United States of America pursuant to Title 21 U.S.C. § 881(a)(6).

VERIFICATION

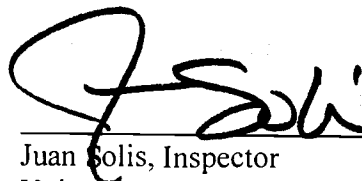
United States Postal Inspection Service ("USPIS") Inspector Juan Solis, declares and says that:

1. I am an Inspector with the USPIS assigned to the El Paso, Texas Domicile of the Houston Division. I am the investigator responsible for the accuracy of the information provided in this litigation.

2. I have read the above Verified Complaint for Forfeiture and know the contents thereof; that the information contained in the Verified Complaint for Forfeiture has been furnished by official government sources; and based upon information and belief, the allegations contained in the Verified Complaint for Forfeiture are true.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 17th day of May, 2021.

A handwritten signature in black ink, appearing to read 'J Solis', is written over a horizontal line.

Juan Solis, Inspector
United States Postal Inspection Service